



General Assembly

**Raised Bill No. 5273**

February Session, 2016

LCO No. 1255

\* \_\_\_\_\_ HB05273JUD \_\_\_ 033016 \_\_\_\_\_ \*

Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING THE PENALTY FOR ASSAULT OF AN OFF-DUTY POLICE OFFICER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) A person is guilty of assault of public safety, emergency medical,  
5 public transit or health care personnel when, with intent to prevent a  
6 reasonably identifiable peace officer, special policeman appointed  
7 under section 29-18b, motor vehicle inspector designated under section  
8 14-8 and certified pursuant to section 7-294d, firefighter or employee of  
9 an emergency medical service organization, as defined in section 53a-3,  
10 emergency room physician or nurse, health care employee as defined  
11 in section 19a-490q, employee of the Department of Correction,  
12 member or employee of the Board of Pardons and Paroles, probation  
13 officer, employee of the Judicial Branch assigned to provide pretrial  
14 secure detention and programming services to juveniles accused of the  
15 commission of a delinquent act, liquor control agent, state or

16 municipal animal control officer, security officer, employee of the  
17 Department of Children and Families assigned to provide direct  
18 services to children and youths in the care or custody of the  
19 department, employee of a municipal police department assigned to  
20 provide security at the police department's lockup and holding facility,  
21 active individual member of a volunteer canine search and rescue  
22 team, as defined in section 5-249, or public transit employee from  
23 performing his or her duties, and while such peace officer, special  
24 policeman, motor vehicle inspector, firefighter, employee, physician,  
25 nurse, health care employee, member, liquor control agent, animal  
26 control officer, security officer, probation officer or active individual  
27 member is acting in the performance of his or her duties and, with  
28 respect to a reasonably identifiable peace officer who is a member of  
29 the Division of State Police within the Department of Emergency  
30 Services and Public Protection or an organized local police  
31 department, while such peace officer is off duty, provided such peace  
32 officer was not the initial aggressor, (1) such person causes physical  
33 injury to such peace officer, special policeman, motor vehicle inspector,  
34 firefighter, employee, physician, nurse, member, liquor control agent,  
35 animal control officer, security officer, probation officer or active  
36 individual member, or (2) such person throws or hurls, or causes to be  
37 thrown or hurled, any rock, bottle, can or other article, object or missile  
38 of any kind capable of causing physical harm, damage or injury, at  
39 such peace officer, special policeman, motor vehicle inspector,  
40 firefighter, employee, physician, nurse, member, liquor control agent,  
41 animal control officer, security officer, probation officer or active  
42 individual member, or (3) such person uses or causes to be used any  
43 mace, tear gas or any like or similar deleterious agent against such  
44 peace officer, special policeman, motor vehicle inspector, firefighter,  
45 employee, physician, nurse, member, liquor control agent, animal  
46 control officer, security officer, probation officer or active individual  
47 member, or (4) such person throws or hurls, or causes to be thrown or  
48 hurled, any paint, dye or other like or similar staining, discoloring or  
49 coloring agent or any type of offensive or noxious liquid, agent or  
50 substance at such peace officer, special policeman, motor vehicle

51 inspector, firefighter, employee, physician, nurse, member, liquor  
52 control agent, animal control officer, security officer, probation officer  
53 or active individual member, or (5) such person throws or hurls, or  
54 causes to be thrown or hurled, any bodily fluid including, but not  
55 limited to, urine, feces, blood or saliva at such peace officer, special  
56 policeman, motor vehicle inspector, firefighter, employee, physician,  
57 nurse, member, liquor control agent, animal control officer, security  
58 officer, probation officer or active individual member. For the  
59 purposes of this section, "public transit employee" means a person  
60 employed by the state, a political subdivision of the state, a transit  
61 district formed under chapter 103a or a person with whom the  
62 Commissioner of Transportation has contracted in accordance with  
63 section 13b-34 to provide transportation services who operates a  
64 vehicle or vessel providing public ferry service or fixed route bus  
65 service or performs duties directly related to the operation of such  
66 vehicle or vessel, or who, as part of the provision of public rail service,  
67 is a train operator, conductor, inspector, signal person or station agent  
68 and "security officer" has the same meaning as provided in section 29-  
69 152u.

70 (b) Assault of public safety, emergency medical, public transit or  
71 health care personnel is a class C felony. If any person who is confined  
72 in an institution or facility of the Department of Correction is  
73 sentenced to a term of imprisonment for assault of an employee of the  
74 Department of Correction under this section, such term shall run  
75 consecutively to the term for which the person was serving at the time  
76 of the assault.

77 (c) In any prosecution under this section involving assault of a  
78 health care employee, as defined in section 19a-490q, it shall be a  
79 defense that the defendant is a person with a disability as described in  
80 subdivision (13), (15) or (20) of section 46a-51 and the defendant's  
81 conduct was a clear and direct manifestation of the disability.

